

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Initially, applicants note the outstanding Office Action has prematurely been made a Final rejection. More particularly, the outstanding Office Action contains new grounds for rejection that were not necessitated by any amendments on the part of the applicant. In the Amendment filed March 4, 2004, applicants canceled claims 1-27 and added new claims 28-53 for examination. Those new claims 28-53 corresponded to original claims 1-27 in scope and thus did not raise any new issues. Further, in the previous Office Action of December 4, 2003, original claims 24-27 were indicated as allowable, and subject matter from original claims 24-27 was set forth in new claims 46-49. In the outstanding Office Action, claims 46-49 were rejected. That is, claims 46-49 which correspond to original claims 24-27 have now been subject to a rejection not based on any amendments on the part of applicant. Setting forth such a new grounds for rejection not necessitated by any amendments on the part of the applicant is improper in a Final rejection. Therefore, the Finality of the previous Office Action must be withdrawn.

Claims 28-53 are pending in this application. Claims 28-41 and 43-44 were rejected under 35 U.S.C. § 112, first paragraph. Claims 42 and 45-53 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,122,384 to Mauro.

Addressing first the rejection of claims 28-41 and 43-44 under 35 U.S.C. § 112, first paragraph, that rejection is traversed by the present response.

The above-noted claims were rejected as the claim language "being preset corresponding to" was unclear. The Office Action recognized that the specification disclosed selecting a noise suppression algorithm or coding rate in accordance with a coding algorithm. Thus, to clarify the above-noted claims, the claims no longer recite selecting a noise suppression algorithm or coding rate "being preset corresponding to" the used speech coding

algorithm, but instead the noted claims now recite selecting a noise suppression algorithm or coding rate “in accordance with” the used speech coding algorithm or rate in the speech encoder. As recognized in paragraph 4 of the outstanding Office Action such subject matter is supported by the original specification for example at page 20, lines 7-27.

In view of the presently submitted claim amendments, claims 28-41 and 43-44 are believed to be in full compliance with all requirements under 35 U.S.C. § 112, first paragraph.

Addressing now the rejection of claims 42 and 45-53 under 35 U.S.C. § 102(e) as anticipated by Mauro, that rejection is traversed by the present response.

First, applicants again reiterate that claims 46-49 and 50-53 are similar to previously allowed claims 24-27.

Moreover, with respect to independent claim 42, applicants respectfully submit Mauro does not disclose or suggest selecting one of first or second noise suppression algorithms in accordance with whether a hands-free function or a non-hands-free function is used. That is, according to independent claim 42 a first or second noise suppression algorithm is selected in accordance with use of a hands-free function or a non-hands-free function, respectively. That feature is believed to clearly distinguish over Mauro.

Mauro discloses utilizing a hands-free function and a non-hands-free function. However, Mauro differs from the above-noted claimed features as Mauro does not disclose or suggest selecting a noise suppression algorithm based on whether the hands-free function or the non-hands-free function is utilized.

Thus, independent claim 42 is believed to clearly distinguish over Mauro.

With respect to independent claim 45, applicants respectfully submit that Mauro does not disclose or suggest “selecting a noise suppression algorithm in accordance with the used speech coding rate in the speech encoder”, as now recited therein. Mauro discloses

selectively using one of plural coding rates. In Mauro, however, there is no correlation between the plurality of coding rates and the hands-free/non-hands-free functions.

Moreover, Mauro does not select a coding rate based on the noise suppression algorithm, nor on whether the hands-free function or the non-hands-free function is utilized.

In such ways, independent claim 45 is believed to also distinguish over Mauro.

Further, with respect to claims 46-53, those claims recite selecting a noise suppression characteristic or a noise suppression algorithm in accordance with a used speech coding algorithm or a used speech coding rate, at a speech encoder. For similar reasons as discussed above with respect to independent claim 45, such features are believed to clearly distinguish over Mauro.

Moreover, with respect to the above-noted claims, the outstanding rejection cites the hands-free or non-hands-free functions in Mauro to correspond to the claimed “different noise suppression characteristics” or “different noise suppression algorithms”. However, applicants note the above-noted claims require selecting one of the noise suppression characteristics or algorithms in accordance with the used speech coding algorithm or the used speech coding rate, at the speech encoder. Clearly Mauro does not teach or suggest selecting the hands-free or non-hands-free functions based on the used speech coding algorithm or used speech coding rate, at the speech encoder, and thus Mauro is further deficient with respect to claims 46-53.

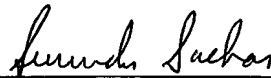
The outstanding rejection to claims 46-53 appears to cite the hands-free and non-hands-free functions in Mauro to realize two different noise suppression characteristics or algorithms to satisfy the integer Q, but the outstanding rejection is not properly considering that such noise suppression characteristics or algorithms are selected in accordance with a used speech coding algorithm at a speech encoder, or a used speech coding rate at a speech

encoder, as set forth in claims 46-53. Thus, those claims are believed to further distinguish over Mauro.

As no other issues are pending in this application, it is respectfully that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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